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**PATENT APPLICATION**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Docket No: **Q83564**

**Akira IDENO et al**

Conf. No.: **9139**

Appln. No.: **10/511,098**

Group Art Unit: **1656**

Filed: **October 14, 2004**

Examiner: **Robinson, H.**

For: **EXPRESSION VECTOR, HOST, FUSED PROTEIN,  
PROCESS FOR PRODUCING FUSED PROTEIN  
AND PROCESS FOR PRODUCING PROTEIN**

**STATEMENT UNDER 37 C.F.R. § 1.97(e)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The undersigned hereby states, upon information and belief:

That each item of information contained in the Second Supplemental Information Disclosure Statement filed concurrently herewith was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of said Second Supplemental Information Disclosure Statement.

Respectfully submitted,

Drew Hissong  
Registration No. 44,764

**SUGHRUE MION, PLLC**  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

Date: November 13, 2006

**PATENT APPLICATION**

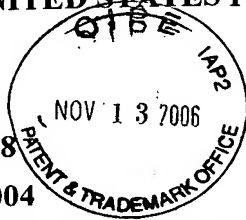
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AND PROCESS FOR PRODUCING PROTEIN**

**SECOND SUPPLEMENTAL INFORMATION DISCLOSURE  
STATEMENT UNDER 37 C.F.R. §§ 1.97 and 1.98**

**MAIL STOP AMENDMENT**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure under 37 C.F.R. § 1.56, Applicants hereby notify the U.S. Patent and Trademark Office of the documents which are listed on the attached PTO/SB/08 A & B (modified) form which the Examiner may deem material to patentability of the claims of the above-identified application.

One copy of each of the listed documents, along with a Communication ((indicating the degree of relevance found by the foreign patent office) dated September 26, 2006, is submitted herewith.

The present Second Supplemental Information Disclosure Statement is being filed after the later of three months from the application's filing date, but before the mailing date of the first Office Action on the merits. Therefore Applicants are filing concurrently herewith a Statement Under 37 C.F.R. § 1.97(e). No fee under 37 C.F.R. § 1.17(p) is required.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicants do not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

Respectfully submitted,

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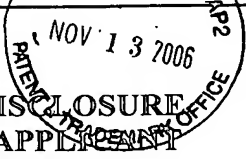
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| Substitute for Form 1449 A & B/PTO   |  |  |  |  |                   |
| <b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b><br><i>(use as many sheets as necessary)</i> |  |  |  | <b>Complete if Known</b>  |                   |
|  |  |  |  | Application Number  | 10/511,098        |
|  |  |  |  | Confirmation Number   | 9139              |
|  |  |  |  | Filing Date   | October 14, 2004  |
|  |  |  |  | First Named Inventor  | Akira IDENO et al |
|  |  |  |  | Art Unit  | 1656              |
|  |  |  |  | Examiner Name   | Robinson, H.      |
| Sheet 1 of 1   |  |  |  | Attorney Docket Number  | Q83564            |

## U.S. PATENT DOCUMENTS

| Examiner Initials* | Cite No. <sup>1</sup> | Document Number |                                      | Publication Date<br>MM-DD-YYYY | Name of Patentee or Applicant of Cited Document |
|--------------------|-----------------------|-----------------|--------------------------------------|--------------------------------|---|
|                    |                       | Number          | Kind Code <sup>2</sup><br>(if known) |                                |   |
|                    |                       |                 |                                      |                                |   |
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## FOREIGN PATENT DOCUMENTS

| Examiner Initials* | Cite No. <sup>1</sup> | Foreign Patent Document   |                     |                                      | Publication Date<br>MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Translation <sup>6</sup> |
|--------------------|-----------------------|---------------------------|---------------------|--------------------------------------|--------------------------------|---|--------------------------|
|                    |                       | Country Code <sup>3</sup> | Number <sup>4</sup> | Kind Code <sup>5</sup><br>(if known) |                                |   |                          |
|                    |                       | WO                        | 03/000878           |                                      | 01/03/2003                     | Roche Diagnostics GmbH et al                    |                          |
|                    |                       | WO                        | 99/13091            |                                      | 03/18/1999                     | The Board of Regents of the Univ of OK          |                          |
|                    |                       | WO                        | 97/10253            |                                      | 03/20/1997                     | Merck & Co., Inc. et al                         |                          |
|                    |                       | WO                        | 00/20606            |                                      | 04/13/2000                     | Reimann et al                                   |                          |
|                    |                       |                           |                     |                                      |                                |   |                          |
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## NON PATENT LITERATURE DOCUMENTS

| Examiner Initials* | Cite No. <sup>1</sup> | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city, and/or country where published. | Translation <sup>6</sup> |
|--------------------|-----------------------|--|--------------------------|
|                    |                       | Hottenrott et al, <i>J. of Biol. Chem.</i> , 272(25):15697-15701 (1997)  |                          |
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| Examiner Signature |  | Date Considered |  |
|--------------------|--|-----------------|--|

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kind Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov), MPEP 901.04 or follow the hyperlink from the title of the document to the intranet. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST. 3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to indicate here if English language Translation is attached.